

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
15436.253.68.1

Total Pages in this Submission

**TO THE COMMISSIONER FOR PATENTS**

Mail Stop Pat nt Application  
P.O. Box 1450  
Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**OPTICAL SUBASSEMBLY TESTER AND TESTING METHOD**

and invented by:

Rudolf J. Hofmeister  
Dev E. Kumar  
Samantha R. Bench

031088 U.S. PTO  
10/695203  
102803



If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

Continuation    Divisional    Continuation-in-part (CIP)   of prior application No.: \_\_\_\_\_

Which is a:

Continuation    Divisional    Continuation-in-part (CIP)   of prior application No.: \_\_\_\_\_

Which is a:

Continuation    Divisional    Continuation-in-part (CIP)   of prior application No.: \_\_\_\_\_

Enclosed are:

**Application Elements**

1.  Filing fee as calculated and transmitted as described below
  
2.  Specification having 32 pages and including the following:
  - a.  Descriptive Title of the Invention
  - b.  Cross References to Related Applications (*if applicable*)
  - c.  Statement Regarding Federally-sponsored Research/Development (*if applicable*)
  - d.  Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
  - e.  Background of the Invention
  - f.  Brief Summary of the Invention
  - g.  Brief Description of the Drawings (*if filed*)
  - h.  Detailed Description
  - i.  Claim(s) as Classified Below
  - j.  Abstract of the Disclosure

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**Application Elements (Continued)**

3.  Drawing(s) (when necessary as prescribed by 35 USC 113)
  - a.  Formal Number of Sheets 8
  - b.  Informal Number of Sheets \_\_\_\_\_
4.  Oath or Declaration
  - a.  Newly executed (*original or copy*)  Unexecuted
  - b.  Copy from a prior application (37 CFR 1.63(d)) (*for continuation/divisional application only*)
  - c.  With Power of Attorney  Without Power of Attorney
  - d.  DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5.  Incorporation By Reference (*usable if Box 4b is checked*)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6.  CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7.  Application Data Sheet (See 37 CFR 1.76)
8.  Nucleotide and/or Amino Acid Sequence Submission (*if applicable, all must be included*)
  - a.  Computer Readable Form (CRF)
  - b.  Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  Paper
  - c.  Statement(s) Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

9.  Assignment Papers (*cover sheet & document(s)*)
10.  37 CFR 3.73(B) Statement (*when there is an assignee*)
11.  English Translation Document (*if applicable*)
12.  Information Disclosure Statement/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
15.  Certified Copy of Priority Document(s) (*if foreign priority is claimed*)
16.  Certificate of Mailing  
 First Class  Express Mail (*Specify Label No.*): EV 322 099 549 US

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**Accompanying Application Parts (Continued)**

17.  Additional Enclosures (please identify below):

Correspondence sheet  
Form PTO-2038 submitting payment

**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

18.  Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

**Warning**

*An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.*

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**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	32	- 20 =	12	x \$18.00	\$216.00
Indep. Claims	3	- 3 =	0	x \$86.00	\$0.00
Multiple Dependent Claims (check if applicable)					\$0.00
				<b>BASIC FEE</b>	<b>\$770.00</b>
OTHER FEE (specify purpose)	recorded assignment				\$40.00
				<b>TOTAL FILING FEE</b>	<b>\$1,026.00</b>

A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.

The Director is hereby authorized to charge and credit Deposit Account No. 23-3178 as described below.

Charge the amount of \_\_\_\_\_ as filing fee.

Credit any overpayment.

Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.

Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

  
 Carl T. Reed  
 Signature

Dated: 10/28/03

Carl T. Reed  
 Registration No. 45,454

**022913**

PATENT TRADEMARK OFFICE  
 CUSTOMER NO.

CC:

**ATTACHMENT**

All correspondence and telephonic communications relating to this patent application should be directed to:

R. BURNS ISRAELSEN  
Registration No. 42,685  
WORKMAN NYDEGGER  
1000 Eagle Gate Tower  
60 East South Temple  
Salt Lake City, Utah 84111  
Telephone: (801) 533-9800  
Facsimile: (801) 328-1707

<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)</b>				Docket No. 15436.253.68.1
Applicant(s): Ruldolf J. Hofmeister, Dev E. Kumar, and Samantha R. Bench				
Serial No.	Filing Date	Confirmation No.	Examiner	Group Art Unit
Invention: OPTICAL SUBASSEMBLY TESTER AND TESTING METHOD				
<p>I hereby certify that the following are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Mail Stop: PATENT APPLICATION, Commissioner for Patents, PO Box 1450, Arlington, Virginia 22313-1450.</p> <p>DATED this 28<sup>th</sup> day of October 2003.</p> <ul style="list-style-type: none"> <li>• Transmittal Letter with correspondence sheet (5 pages) (in duplicate)</li> <li>• New Patent Application (32 pages)</li> <li>• 8 sheets of drawings</li> <li>• Assignment with cover sheet form PTO-1595 (6 pages)</li> <li>• Declaration, Power of Attorney, and Petition (5 pages)</li> <li>• Form PTO-2038 submitting Credit Card Payment in the amount of \$1,026</li> <li>• Postcard</li> </ul>				
<p>Donna Wilson</p> <hr/> <p><i>(Typed or Printed Name of Person Mailing Correspondence)</i></p>  <hr/> <p><i>(Signature of Person Mailing Correspondence)</i></p>				
<p>EV 322 099 549 US</p> <hr/> <p><i>("Express Mail" Mailing Label Number)</i></p>				
<p>W:\15436\253.68.1\DFW0000008405V001.doc</p>				